

# Morgan Lewis

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March 7, 2024

**VIA ECF**

Magistrate Judge Reznik

The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse  
300 Quarropas St.  
White Plains, New York 10601-4150

Re: The Wave Studio, LLC v. General Hotel Management Ltd. et al., Case No. 7:13-cv-09239 and Related Cases (Identified Below)

Dear Magistrate Judge Reznik:

My firm represents and writes on behalf of the following Defendants in the following cases: Booking Holdings, Inc., Agoda Company Pte Ltd., AGIP LLC, Booking.com BV, Booking.com (USA) Inc., Rocket Travel, Inc. and Momondo A/S (Case No. 21-cv-2691); Hotels Combined LLC (Case No. 15-cv-7950); Priceline.com LLC (Case No. 15-cv-6995); Getaroom.com and Kayak Software Corp. d/b/a Kayak.com<sup>1</sup> (Case No. 13-cv-9239); and Southwest Airlines Co. (Case No. 22-cv-5141), all filed by The Wave Studio, LLC ("Wave Studio").

We are writing pursuant to Your Honor's Order on March 1, 2024, inviting Defendants to raise any objections to disclosing the existence and extent of their insurance coverage prior to the March 8, 2024, deadline for such disclosure. For the reasons outlined below, Defendants respectfully object to such disclosure (1) absent a stipulated protective order, and (2) for foreign defendants that have not waived their right to assert challenges to jurisdiction and/or venue.

As a threshold matter, Defendants request that Plaintiff be required to enter into a stipulated protective order prior to the disclosure of any confidential insurance information given that there is no formal stipulated protective order in any of the related cases.<sup>2</sup> Good cause exists for entry of a protective order to the extent that, absent any formal stipulated protective order, Plaintiff is

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<sup>1</sup> Getaroom.com and Kayak.com are jointly represented by Clausen Miller, P.C.

<sup>2</sup> Judge Seibel issued a minute order in the original case against GHM that sets forth protections applicable to the limited discovery relevant to GHM's *forum non conveniens* motion. *See* Dkt. No. 157, "Discovery Confidentiality Order." This minute order does not include terms typically included in a protective order to protect against widespread access, such as who is allowed access and levels of confidentiality. It also has not been signed by Plaintiff nor any Defendants, which limits enforcement of its terms. We note further that the minute order does not appear to have been entered or deemed applicable to any of the other cases.

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otherwise free to publicly disseminate the insurance policies—including confidential business information such as policy limits and reservations of rights.

Further, we respectfully request that only the U.S.-based Defendants that we represent be required to provide the requested insurance information and only following the entry of the protective order requested above. The following foreign Defendants, over which we do not believe jurisdiction properly exists, have waived service while preserving their right to challenge personal jurisdiction or venue, pursuant to Federal Rules of Civil Procedure Rule 4(d): Agoda Company Pte. Ltd.; Booking.com B.V.; and Momondo A/S. Since we do not believe jurisdiction over them is appropriate, providing any insurance information for these entities is at a minimum premature.

Lastly, Defendants respectfully request additional time to provide the requested insurance information. Defendants are diligently working towards compiling the requested insurance information, but given the number of Defendants, the length of time over which the alleged claims occurred, and the need to obtain information from carrier(s) such as any reservations of rights, we require addition time and request that the deadline to disclose insurance policy information be extended. We anticipate being able to provide this information by March 29, 2024, but may require additional time depending on carrier(s) responsiveness.

We appreciate Your Honor's attention to and careful management of this settlement process and the cases generally.

Sincerely,

/s/ Carla B. Oakey

Carla B. Oakley